

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

ROBERT MENENDEZ,
Wael Hana,
a/k/a “Will Hana,” and
FRED DAIBES,

Defendants.

STIPULATION

S4 23 Cr. 490 (SHS)

IT IS HEREBY STIPULATED AND AGREED by and among the United States of America, by Damian Williams, United States Attorney for the Southern District of New York, Eli J. Mark, Daniel C. Richenthal, Paul M. Monteleoni, Lara Pomerantz, and Catherine E. Ghosh, Assistant United States Attorneys, of counsel, ROBERT MENENDEZ, the defendant, by his attorneys, Adam Fee, Esq. and Avi Weitzman, Esq., WAEL HANA, a/k/a “Will Hana,” the defendant, by his attorneys, Lawrence S. Lustberg, Esq., Anne Collart, Esq., and Ricardo Solano Jr., Esq., and FRED DAIBES, the defendant, by his attorneys Cesar de Castro, Esq., Valerie Gotlib, Esq., Seth Agata, Esq., and Shannon McManus, Esq., that:

1. If called to testify as a witness, Abbe Lowell, a lawyer who previously represented Robert Menendez, the defendant, in connection with the investigation that led to this prosecution, would testify as follows:

a. In June 2022, Robert Menendez hired Mr. Lowell and his law firm to represent him in connection with an investigation by the United States Attorney’s Office for the Southern District of New York (“USAO-SDNY”). In connection with retaining Mr. Lowell, Menendez informed

him that a few days earlier search warrants were executed at Menendez and Nadine Menendez's residences in New Jersey and in Washington, D.C., and Menendez's receipt of a grand jury subpoena issued by the Southern District of New York dated June 16, 2022.

b. In or about fall 2022, Menendez told Mr. Lowell that Wael Hana, a/k/a "Will Hana," the defendant, had made a payment to a mortgage company for Menendez wife, Nadine Menendez, a/k/a "Nadine Arslanian." Menendez stated that the payment was a loan.

c. In or about fall 2022, Menendez also told Mr. Lowell that Jose Uribe had made payments for Nadine Menendez's car. Menendez initially told Mr. Lowell that his understanding was that the payments were for previous work that Nadine Menendez was not paid for, but in the next conversation they had about this, Menendez stated his understanding was now that the payment was a loan. Menendez stated as to both Hana's payment and Uribe's payments that Menendez was not aware of the payments until after learning about the Government's investigation.

d. In or about late 2022, Menendez told Mr. Lowell that he wanted Nadine Menendez to repay the loans from Hana and Uribe, because he wanted to avoid filing an amended annual Senate financial disclosure statement. Mr. Lowell stated to Menendez that the USAO-SDNY would find out about the payments anyway, and Mr. Lowell did not know whether the repayment would avoid the need to file an amended financial disclosure amendment.

e. In June 2023, Mr. Lowell made a presentation on behalf of Menendez to the USAO-SDNY. Prior to the presentation, Mr. Lowell discussed the substance of the presentation with Menendez. Specifically, Mr. Lowell and Menendez discussed the topics that would be covered, what Mr. Lowell would say about each topic, and that the purpose of the presentation was to

provide information to the USAO-SDNY to seek to deter them from bringing criminal charges against Menendez. During Mr. Lowell's presentation to the USAO-SDNY, based on what he was told by Menendez, Mr. Lowell stated the following, among other things:

i. In 2019, Hana made a payment for Nadine Menendez's mortgage on behalf of Nadine Menendez. The payment was approximately \$23,000. The payment was made through an attorney, John Moldovan. The payment represented a loan from Hana to Nadine Menendez. Menendez did not know that the payment occurred until after law enforcement's searches of his and his wife's residences in June 2022.

ii. After Nadine Menendez was in a car accident, Jose Uribe introduced Nadine Menendez to a car dealer, and Uribe made payments to Nadine Menendez. These payments represented a loan from Uribe to Nadine Menendez. Menendez did not know that the payments occurred until after law enforcement's searches of his residences in June 2022.

f. In September 2023, Mr. Lowell made a second presentation on behalf of Menendez to the USAO-SDNY. Prior to the presentation, Mr. Lowell discussed the substance of the presentation with Menendez. Specifically, Mr. Lowell and Menendez discussed the topics that would be covered, what Mr. Lowell would say about each topic, and that the purpose of the presentation was to provide information to the USAO-SDNY to deter them from bringing criminal charges against Menendez. Menendez provided feedback to Mr. Lowell about the planned presentation, and Menendez's feedback was incorporated into the final presentation.

g. In connection with the second presentation in September 2023, Mr. Lowell prepared a PowerPoint slide deck, which he also shared with the USAO-SDNY. Portions of the slide deck, marked as Government Exhibit 4A-3, summarized items of value (i) given to Menendez

and Nadine Menendez from Hana [*i.e.*, page 4 of presentation], (ii) given to Menendez and Nadine Menendez from Daibes [*i.e.*, page 12 of presentation], and (iii) given to Menendez and Nadine Menendez from Uribe [*i.e.*, page 20 of presentation]. During Mr. Lowell's presentation to the USAO-SDNY, based on what he was told by Menendez, he stated the following:

i. In April 2019, Nadine Menendez purchased a Mercedes-Benz at Ray Catena Motors. Nadine Menendez's father made the down payment and Jose Uribe made monthly payments. Menendez was unaware of the payments until after law enforcement's searches of Menendez's residences in June 2022.

ii. In approximately December 2022, Menendez learned of a mortgage payment made by Hana for Nadine Menendez's mortgage. After learning of the payment, Menendez gave Nadine Menendez funds to repay the full amount.

iii. On December 22, 2022, Nadine Menendez wrote a check to a law firm representing Hana "in trust for Wael Hana" in the amount of \$23,568.54 for full payment of Hana's loan. Before Nadine Menendez wrote the check to Hana, Menendez wrote a check to Nadine Menendez to provide her with the funds to repay the loan.

IT IS FURTHER STIPULATED AND AGREED that no party shall raise an objection under Federal Rule of Evidence 802 to the admission of any portion of this Stipulation, marked for identification as Government Exhibit ____, on the grounds that the statements contained therein were not made by Mr. Lowell while testifying at the current trial, and that no party shall

raise an objection under Federal Rule of Evidence 901 to the Government Exhibits referenced above.

Dated: New York, New York
_____, 2024

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: _____
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Lara Pomerantz
Catherine E. Ghosh
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[ADDITIONAL SIGNATURES ON FOLLOWING PAGE]

By: _____

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Ricardo Solano, Jr., Esq.

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